

RECOMMENDATIONS FOR THE COMMISSION ON ACCESSIBLE INSTRUCTIONAL MATERIALS IN POST-SECONDARY EDUCATION

National Federation of the Blind

1. A new statute is needed to ensure equal access to post-secondary instructional materials offered in a digital format in the marketplace. The statute would:
 - a. Establish that after a certain date publishers and distributors who offer content in a digital format must offer those materials in a fully accessible format.
 - b. Clearly and broadly define instructional materials as both the content (books, journals, and testing content) as well as the interface, software and applications related to manipulation and annotation of the content as well as any other instructional software and applications used to facilitate instruction.
 - c. Explicitly state that in cases like open educational software (where there may be no identifiable publisher or distributor) this statute does not derogate or affect the legal responsibility of post-secondary educational institutions not to deploy software or hardware that is inaccessible to persons with disabilities.
 - d. Establish a definition of what constitutes accessibility that would include both a performance standard (same information, same transactions, substantially equivalent ease of use to the extent that it is currently technically feasible) and a minimum technical standard that would go a bit beyond the current recommendations of Taskforce 2 to include Math ML and an additional requirement that nondecorative graphics have a description that includes the graphic's purpose and a long description of the information contained in the graphic.
 - e. Establish a committee, similar in character to the Access Board, with representatives from the publishing and digital technology industries, and the academic and disability communities, that would make recommendations for additions to the standards. This committee would be a recognition that what is technologically feasible will change for the better with respect to such things as the accessibility of chemical or musical notations, for example, and that tactile graphics will become increasingly more feasible.
 - f. Establish that individuals and institutions affected by this law would have a private right of action to sue for its violation.
2. For post-secondary instructional materials that are not offered into the marketplace in digital form, we support the investigation of licensing systems as a means for improving accessibility of instructional materials and making digital formats available to those who need them for any reason. Related to these legacy materials:
 - a. Any licensing system should not cause the student with a need for the electronic version to have to pay more for the instructional material than the nondisabled student would pay.
 - b. Chafee should remain in its current form, as this is critically necessary to produce hard copy Braille for Braille readers and because it is necessary to augment the protection provided by fair use for libraries for the blind, especially for books that are not for post-secondary academic use.